U.S. Appln. No. 09/381,190
Pre-Appeal Request For Review

PATENT
450106-4749

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Hiromi Yoshinari, et al.

Serial No. : 09/381,190

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For : EDITING SYSTEM, EDITING CONTROLLING
APPARATUS, AND EDITING CONTROLLING METHOD

Examiner : Burd, Kevin M.

Art Unit : 2611

Confirmation No. : 3610

745 Fifth Avenue
New York, NY 10151

EXPRESS MAIL CERTIFICATE

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PRE-APPEAL BRIEF REQUEST FOR REVIEW

Mail Stop Appeal Brief-Patents
Commissioner For Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicants request review of the Final Rejection dated April 14, 2006 in the above-
captioned application. No amendments are being filed with this request. This request is being
filed with a Notice of Appeal. Please consider the reasons stated herein.

00403417

Claims 28-61 were rejected under 35 U.S.C. §102(e) as allegedly anticipated by

U.S. Patent No. 6,262,777 to Brewer, et al.

Claim 28 recites, *inter alia*:

> "...detecting means for <u>matching phases of the first base band signal, the second base band signal, and a third base band signal</u>, and <u>comparing these signals to detect an edit position at which the first base band signal and the second base band signal are connected</u>, the third base band signal being obtained by editing the first base band signal and the second base band signal;
>
> <u>controlling means for controlling said re-encoding means to selectively re-use the first encoded bit stream or first codec information used to generate the first base band signal and the second encoded bit stream or second codec information used to generate the second base band signal corresponding to the edit position detected by said detecting means to re-encode the third base band signal</u>." (emphasis added)

As understood by Applicants, U.S. Patent No. 6,262,777 to Brewer, et al.

(hereinafter, merely "Brewer") relates to synchronizing edited audiovisual files.

Applicants submit that nothing has been found in Brewer that would teach or

suggest the above-identified features of claim 28.

Specifically, Applicants respectfully submit that the cited portions of Brewer in

the Office Action relied upon; specifically, column 4, lines 6-21 and column 10, lines 20-34, do

not teach or suggest the above-identified feature of claim 28.

As understood by Applicants, the cited portion of Brewer, column 4, lines 6-21

discloses that a predetermined number of audio frames at each end of the copied audio segment

may be decoded and re-encoded to generate glue frames. Copied segments are processed in a

first pass and a second pass is used to stitch together the processed audio and video segments

into a single file. Frames at the end may be dropped in order to have a file that is no more than half an audio frame in error.

Applicants submit that such a disclosure does not teach or disclose any of the above-identified features of claim 28 and, therefore, does not render claim 28 unpatenable.

Furthermore, as understood by Applicants, the cited portion of Brewer, column 10, lines 20-34 discloses that an encoder re-encodes audio frame data into appropriate cells and stores the re-encoded files into a glue file. Once all of the predetermined number of audio files are decoded and recoded for each of the in-glue and out-glue segments, the segments are stored in an appropriate glue file.

Applicants submit that such a disclosure does not teach or disclose any of the above-identified features of claim 28 and, therefore, does not render claim 28 unpatenable.

Applicants submit that Brewer fails to teach or suggest detecting means for matching phases of the first base band signal, the second base band signal, and a third base band signal, and comparing these signals to detect an edit position at which the first base band signal and the second base band signal are connected, the third base band signal being obtained by editing the first base band signal and the second base band signal, re-encoding means for re-encoding the third base band signal to generate a third encoded bit stream, and controlling means for controlling said re-encoding means to selectively re-use the first encoded bit stream or first codec information used to generate the first base band signal and the second encoded bit stream or second codec information used to generate the second base band signal corresponding to the edit position detected by said detecting means to re-encode the third base band signal, as recited in claim 28.

Therefore, claim 28 is patentable. For reasons similar to those above, claims 45-

49 are also patentable.

Claim 50 recites, *inter alia*:

> "...re-encoding means for <u>re-encoding a third base band</u>
> <u>signal to generate a third encoded bit stream, the third base</u>
> <u>band signal being obtained by editing a first base band</u>
> <u>signal and a second band signal, the first base band signal</u>
> <u>being obtained by decoding a first encoded bit stream, the</u>
> <u>second base band signal being obtained by decoding a</u>
> <u>second encoded bit stream</u>; and
>
> controlling means for controlling said re-encoding means to
> <u>selectively re-use the first encoded bit stream or first codec</u>
> <u>information used to generate the first base band signal and</u>
> <u>the second encoded bit stream or second codec information</u>
> <u>used to generate the second base band signal corresponding</u>
> <u>to an edit position at which the first base band signal and</u>
> <u>the second base band signal are connected and that is</u>
> <u>detected by matching the phases of the first base band</u>
> <u>signal, the second base band signal, and the third base band</u>
> <u>signal and comparing these signals to re-encode the third</u>
> <u>base band signal.</u>" (emphasis added)

Applicants submit that the cited portions of Brewer, as described above, fail to

teach or suggest any of the above-identified features of claim 50 and therefore, do not render

claim 50 unpatentable.

Applicants submit that Brewer fails to teach or suggest re-encoding means for re-

encoding a third base band signal to generate a third encoded bit stream, the third base band

signal being obtained by editing a first base band signal and a second band signal, the first base

band signal being obtained by decoding a first encoded bit stream, the second base band signal

being obtained by decoding a second encoded bit stream and controlling means for controlling

said re-encoding means to selectively re-use the first encoded bit stream or first codec

information used to generate the first base band signal and the second encoded bit stream or

second codec information used to generate the second base band signal corresponding to an edit

position at which the first base band signal and the second base band signal are connected and

that is detected by matching the phases of the first base band signal, the second base band signal,

and the third base band signal and comparing these signals to re-encode the third base band

signal, as recited in claim 50.

Therefore, claim 50 is patentable. For reasons similar to those above, claims 51-

61 are also patentable

The other claims in this application are each dependent from one of the

independent claims discussed above and are therefore believed patentable for at least the same

reasons. Since each dependent claim is also deemed to define an additional aspect of the

invention, however, the individual reconsideration of the patentability of each on its own merits

is respectfully requested.

Please charge any additional fees that may be needed, and credit any

overpayment, to our Deposit Account No. 50-0320.

Respectfully submitted,

FROMMER LAWRENCE & HAUG LLP
Attorneys for Applicants

By _____
Thomas F. Presson
Reg. No. 41,442
(212) 588-0800